

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.1241 of 2016 (O&M)

Date of decision: 02.06.2016

Krishan Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.M.S.Virdi, Advocate for the petitioner
Mr.Ashish Sanghi, DAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner was convicted by learned Sub Divisional Judicial Magistrate, Samana under Section 409 IPC and sentenced to undergo RI for 3 years and fine of Rs.1000/-, in default, further rigorous imprisonment for one month on the allegation that while working as a Postmaster, the accused Petitioner embezzled Rs.53,941/-. Learned Additional Sessions Judge, Patiala, vide judgment dated 25.2.2016, while noticing that the embezzled money was deposited before registration of FIR and keeping in view the fact that he has lost his job, reduced the sentence to rigorous imprisonment for two years.

Notice was issued to the State only on the quantum of sentence.

Learned counsel for the petitioner prays that in view of the

authority of Hon'ble Supreme Court in State of Himachal Pradesh v.

Karanvir, 2006(3) RCR (Criminal) 379, the petitioner be sentenced to the period already undergone by him.

I am of the view that in this case, the Petitioner himself was a Postmaster. He was entrusted with the government money. While dealing with the public, he collected/ received money from the public and embezzled it. Admittedly, after the matter came to the notice of the department he deposited the same. However, the fact remains that the offence was committed by him and he betrayed the faith reposed in him by the government.

However, keeping in view the fact that he has already deposited the money, his age and period of trial, sentence of Rigorous Imprisonment for two years is reduced to Rigorous Imprisonment for nine months.

With this modification, the revision is dismissed.

02.06.2016
gk

(Kuldip Singh)
Judge